

# United States Court of Appeals

District of Columbia Circuit  
Washington, D.C. 20001-2866

Mark J. Langer  
Clerk

General Information  
(202) 216-7000

## NOTICE OF RULE AMENDMENTS AND HANDBOOK REVISIONS

Amendments to Circuit Rules 5, 8, 11, 12, 15, 18, 21, 25, 26, 26.1, 27, 28, 29, 34, 35, 36, 39, 41, 42, 44, 45, 46, 47.3, 47.6, and revisions to the Court's Handbook of Practice and Internal Procedures have been adopted by the Court **effective December 1, 2002**. The changes to the Circuit Rules and Handbook are being made in large part to conform to amendments to the Federal Rules of Appellate Procedure, which also take effect on December 1, 2002.

Of general interest to counsel and litigants are modifications to FRAP 26, 27, and 28. Under FRAP 26, the computation of deadlines less than 11 days will exclude Saturdays, Sundays, and legal holidays, unless the time period is stated in calendar days. And pursuant to FRAP 27, a response to a motion will be due 8 days after service, rather than 10 days; a reply will be due 5 days after service, rather than 7 days. Finally, FRAP 28 now permits argument in 28(j) letters, but limits such letters to 350 words.

Various amendments to the Circuit Rules have been made to specify when deadlines are to be calculated in calendar days and to expand the stages at which certificates of parties and disclosure statements must be filed. There are, however, several substantive amendments to the Circuit Rules, which are highlighted below:

**Rule 5 - Appeal by Permission:** This new provision addresses the submission of certificates of parties and disclosure statements, replies, number of copies, and motions to extend time or exceed page limits.

**Rule 27 - Motions:** Because petitions are addressed elsewhere in the federal and circuit rules, and many of the requirements for motions no longer apply to petitions, the revised rule deletes "and Petitions" from the heading of this rule and deletes references to petitions throughout the rule.

**Rule 28 - Briefs:** The revision clarifies what material listed in Circuit Rule 28(a) intervenors and amici are required to provide in their briefs and eliminates the entitlement of any party or amicus to file a supplemental brief.

**Rule 29 - Brief of an Amicus Curiae:** The amendment clarifies what material listed in Circuit Rule 28(a) amici are required to provide in their briefs.

**Rule 35 - Petition for Panel Rehearing and Petition for Hearing or Rehearing En Banc:** The amendment reorganizes and clarifies the section discussing the effect of granting rehearing on the panel's judgment and opinion.

**Rule 45 - Clerk's Duties; Fees for Services:** The revision substitutes reference to Federal Rule of Appellate Procedure 5 for previous reference to 28 U.S.C. § 1292(b) so that the fee provision applies to all discretionary appeals filed pursuant to Rule 5.

**The new version of the Circuit Rules and Handbook can be accessed on the Court's web site at [www.cadc.uscourts.gov](http://www.cadc.uscourts.gov), and hard copies will soon be available from the Office of the Clerk, Room 5423, 333 Constitution Avenue, N.W., Washington, D.C. 20001-2866.**

Date: November 4, 2002

Mark J. Langer, Clerk